



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,074	04/12/2001	Gary W. Grube	276440-12	2750

7590 06/17/2002

O'MELVENY & MYERS LLP  
400 So. Hope Street  
Los Angeles, CA 90071-2899

EXAMINER

ABRAMS, NEIL

ART UNIT

PAPER NUMBER

2839

DATE MAILED: 06/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/837074

Applicant(s)

Examiner

N. Abrams

Group Art Unit

Mc

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-94 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-94 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
  - ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit: 2839

Claims 1-94 are rejected under 35 U.S.C. 103(a) as being unpatentable over White in view of Fjelstad Hagihara and Moran and Japan 4-214650.

Note White stop means 18. It would have been obvious to form the White beam with a projection in view of Hagihara and Japan. Also obvious to form a stop on the beam in view of Moran at 22. Claim 1 limitations do not avoid White with (fig.2) all of beam to right of 13 leadline read as end of beam. Also see claims 28, 39, 48, 78, 90 that do not require stop to be spaced apart from tip. Also obvious to use Fjelstad type compressible stop 700. For claim 68

obvious to form post as an electronic device. Also note "spaced apart" is readable on vertical spacing.

Claims 1-94 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Trenary, Hagihara or Fjelstad.

Note Trenary, fig.17, post below numeral 20, beam 26, tip 33 and stop 92. Hagihara, see fig 8, beam 8 and protruding member 12. Fjelstad see figs 3,4, member 700 under beam 300.

Claims 1-94 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Japan patent alone or with Moran and Fjelstad.

See fig. 1, beam 2 and stop means 5. Moran applied as above. Obvious to use Fjelstad

compressible type member 700 on Japan patent substrate. Claim 48, beam end 2 forms a protruding stop that engages the substrate.

Claim 90 and 92 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ueno. Compare to applicants fig 5B.

See fig 5, protruding adjustable force applier 61, read as electrical device.

Drawings objected to, for claim 92, all five options must be shown, 37CFR 1.83. Each one must also be described in spec. but without new matter.

Application/Control Number: 09/834,074


Page 3

Art Unit: 2839

Any inquiry concerning this communication should be directed to N. Abrams at telephone number 308-1729.

Abrams/ek

06/07/02

  
N. ABRAMS  
EXAMINER  
ART UNIT 322